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EXAMINER

WEI, ZHENG

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,735	Applicant(s) GUSTAFSON ET AL.	
	Examiner ZHENG WEI	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. This office action is in response to the amendment filed on 06/03/2008.
2. Claims 1, 2, 5-8, 11, 12, 14, 20, 25, 26, 28-30, 33, 34, 36, 41, 46, 47 and 49 have been amended.
3. The claim objection to claims 5, 14 and 36 is withdrawn in view of the Applicants' amendment.
4. The 35 U.S.C. § 112 second rejection to claims 6-27, 30 and 31 is withdrawn in view of the Applicants' amendment.
5. Claims 1-52 remain pending and have been examined.

Response to Amendment

6. Applicant's amendments changed the scope of the independent claims 1, 6, 28 and 49. Therefore a new ground of rejection is applied in light of prior arts in previous office action.

Response to Arguments

7. Applicant's arguments filed on 06/03/2008, in particular on pages 13-23, have been fully considered but they are not persuasive. For example:
 - At page 15, the first and second paragraphs, the Applicants submit that O'Neil does not disclose all the limitations as recited in the claim 6 based on the

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Examiner's interpretation for the 35 U.S.C. § 112 rejection. The Examiner agrees with the Applicants and the rejection is withdrawn.

- At pages 17-19, the Applicants pointed out that cited portion of Woodward, alone or in combination with O'Neil, does not teach, suggest or otherwise render obvious the method. However, the Examiner's position is that Woodward disclosed a method to detect/determine the memory types (see for example, col.8, lines 16-41, "determine whether the flash ROM...is an INTEL device or an AMD flash ROM...), it is obvious that said method can be used by O'Neil at Fig.2B, to determine and select memory type during the step (262) to allocate memory on client for update (270). Therefore, O'Neil and Woodward's disclosure renders obvious the method as recited in claim 1.
- At page 20, second paragraph, the Applicants submit that Woodward does not disclose selecting from among deferent memory devices in an electronic device... Woodward disclosed determining which flash is "used in the PC system,' and not using different types in a system, let alone selecting Form among different types. It should be noted that the claim language "selecting at least one of the plurality of memory devices....[emphasis added]", does not require selecting more than one memory. Therefore, using Woodward's method by determining the memory type for the update in O'Neil renders obvious of claim 1.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 25, 26 and 46-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25, 26 and 46:

Claim 25, 26 and 46 recite at least one processor comprises a plurality of processor. However, it is not clear how the “one processor” can comprise a plurality of processors. For the purpose of compact prosecution, the Examiner reads it as –one device comprise a plurality of processors---

Claim 47:

Claim 47 depends on claim 46. Therefore, it is also rejected for the same reason.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (Patrick J. O'Neil, WO 02/41147 A1) in view of Woodward (James S. Woodward, US 6,148,441).

Claim 1:

O'Neil discloses a method of updating non-volatile memory in an electronic device via a communication network, the non-volatile memory comprising a plurality of memory devices comprising a first memory device having a first associated type and a second memory device having a second associated type, wherein the first associated type and second associated type are not same (see for example, Fig.8A, 8B, "non-volatile memory" and related text; also see, p.40, first paragraph about type of non-volatile memory/storage area: flash memory, disk drive, optical drive...), the method comprising:

- receiving update information via the communication network (see for example, Fig.1B, item 110a-110c, "update package", "server manifest" and related text);
- selecting at least one of plurality of memory devices to be updated using the update information (see for example, p.15, second paragraph, "Upon recognition of one or more client devices 104a, 104b, 104c, the update server array 122 may transfer the server manifest to the one ore more client devices...") ;
- identifying updating software corresponding to at least the associated type of the at least one client device to be updated (see for example, p.15, The one or more client devices 104a, 104b, 104c then review the manifest and submit a request for the update package); and

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- updating the at least one of the plurality of memory devices using the identified updating software and the update information (see for example, Fig.2A, step 216, “Install Update” and related text).

But O’Neil does not explicitly disclose identifying the associated type of the memory devices. However, Woodward in the same analogous art of updating/reprogramming non-volatile memory (Flash memory), discloses a method for determining the type of flash memory being used (see for example, col.8, lines 16-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Woodward’s method to identify the type of non-volatile memory in the O’Neil client device. One would have been motivated to do so to use different interrupt routine according the type of memory to permits modification of the EISA configuration code in the flash memory while preserving the boot code and other code stored in the same sector of the memory array as suggested by Woodward (see for example, col.4, lines 29-35)

Claim 2:

O’Neil and Woodward disclose the method according to claim 1, Woodward further discloses determining the associated type of the at least one of the plurality of memory devices to be updated (see for example, col.4, lines 29-35)

Claim 3:

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O'Neil further discloses the method according to claim 1, wherein the communication network is a wireless network (see for example, p.11, first paragraph, "wireless data transmission networks" and related text).

Claim 4:

O'Neil further discloses the method according to claim 1, wherein the communication network is a public network (see for example, p.11, first paragraph, "public internet", "public network" and related text).

Claim 5:

O'Neil also discloses the method according to claim 1, further comprising verifying the updating of the one of the at least one memory device using one of a CRC, a checksum, a hash code, and a digital signature (see for example, p.51, second paragraph "These validation checks may include determining a cyclic redundancy check code (CRC)" and related text).

Claim 6:

O'Neil discloses a method of updating non-volatile memory in an electronic device via a communication network (see for example, Fig.8A, 8B, "non-volatile memory" and related text), the non-volatile memory comprising a plurality of memory devices comprising a first memory device having a first associated type and a second

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memory device having a second associated type, wherein the first associated type and second associated type are not same, (see for example, Fig.8A, p.40, first paragraph about type of non-volatile memory/storage area: flash memory, disk drive, optical drive...) the method comprising:

- communicating update information in an update package via the communication network from a management server to the electronic device (see for example, Fig.1B , item 112, “Update server array”, item 110 “update package”, items 104 “Client device” and related text); and
- employing an update agent to interact with a memory library and the plurality of memory devices in non-volatile memory in the electronic device , and to identify updating software corresponding to at least an associated type of at least one of the plurality of memory devices.(see for example, Fig. 8B, item 1025 “Update agent”, Fig.10, item 1004, 1222, p.52, “the update process commences with the update agent 1025 reading and executing instructions (memory library) contained in the update package stored in RAM memory section 1222 and related text)

But O’Neil does not explicitly disclose identifying the associated type of the memory devices. However, Woodward in the same analogous art of updating/reprogramming non-volatile memory (Flash memory), discloses a method for determining the type of flash memory being used (see for example, col.8, lines 16-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Woodward’s method to identify the type of non-volatile memory in the O’Neil client device. One would have been motivated to do so to use different

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interrupt routine according the type of memory to permits modification of the EISA configuration code in the flash memory while preserving the boot code and other code stored in the same sector of the memory array as suggested by Woodward (see for example, col.4, lines 29-35)

Claim 7:

O'Neil discloses the method according to claim 6, further comprising:

- employing a memory manager to access contents stored in plurality of memory devices, wherein the plurality of memory devices comprises a plurality of FLASH memory chips (see for example, Fig.2b, steps 262-280 about memory management and related text; also see p.24, last paragraph, “the current files stored in a first data area to a second data area (i.e. onboard flash memory”; “compress files”); and
- employing the memory library to modify contents of the at least one FLASH memory chip (see for example, Fig.10, item 1004, 1222, p.52, “the update process commences with the update agent 1025 reading and executing instructions (memory library) contained in the update package stored in RAM memory section 1222 and related text) .

Claim 8:

O'Neil discloses the method according to claim 7, wherein the plurality of FLASH memory chips are fabricated different manufacturers, and the plurality of FLASH

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memory chips comprise one of a same amount of memory size and a different amount of memory size (see for example, Fig.8A, B, Fig.10, memory bank, item 1010, item 1012 address and size of memory bank. The flash memory/chips showed in the Figures above have to be fabricated by the same or different manufacturer).

Claim 9:

O'Neil discloses the method according to claim 8, further comprising:

- determining which of the plurality of FLASH memory chips correspond to a particular FLASH memory modification (see for example, Fig.10, steps 1210-1280 and related text; also see p.48, "The code transformation is managed by the update agent 1025");
- employing an appropriate FLASH memory chip function (see for example, p.48, "process the instruction of the instruction set or update package 110"); and
- performing a corresponding FLASH memory modification (see for example, Fig.10, step 1230 "memory allocation", step 1240 "bank transfer" and related text).

Claim 10:

O'Neil further disclose the method according to claim 8, comprising

- employing the memory library by the update agent to permit access to and manipulation of a plurality of FLASH memory chips fabricated by different manufacturers chip (see for example, Fig.10, item 1004, 1222, p.52, "the update

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process commences with the update agent 1025 reading and executing instructions (memory library) contained in the update package stored in RAM memory section 1222 and related text) , and

- invoking appropriate functions stored in the memory library corresponding to the different manufacturers FLASH memory chips (see for example, p.48, “The code transformation is managed by the update agent 1025 which processes the instructions of the instruction set or update package 110”).

But O’Neil does not explicitly disclose identifying the memory devices fabricated by different manufacturers. However, Woodward in the same analogous art of updating/reprogramming non-volatile memory (Flash memory), discloses a method for determining the manufacturers of flash memory being used (see for example, col.8, lines 16-41, “Intel “, “AMD”). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Woodward’s method to identify the type of non-volatile memory in the O’Neil client device. One would have been motivated to do so to use different interrupt routine according the type of memory to permits modification of the EISA configuration code in the flash memory while preserving the boot code and other code stored in the same sector of the memory array as suggested by Woodward (see for example, col.4, lines 29-35)

Claim 11:

O’Neil discloses the method according to claim 6, further comprising

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- storing generic functions in the memory library which are employable by the update agent (see for example, Fig.10, item 1004, 1222, p.52, “the update process commences with the update agent 1025 reading and executing instructions (memory library) contained in the update package stored in RAM memory section 1222 and related text) ; and
- modifying contents of the at least one of the plurality of memory devices without identifying actual details regarding a specific memory device, wherein the actual details may be selected from a group comprising memory device manufacturer, memory device type, memory size, memory model, and memory brand (see for example, Fig.10 step 1224, “Apply update instructions” and related text) .

Claim 12:

O’Neil discloses the method according to claim 6, wherein the plurality of memory devices are adapted to be grouped together, paired together, or arranged serially in non volatile memory in the electronic device (see for example, Fig.10, item 1002 “flash” and item 1120, memory banks and related text).

Claim 13:

O’Neil discloses the method according to claim 6, further comprising creating a memory map of memory device architecture (status table), the memory map containing information selected from a group comprising of a number of memory devices being employed by the electronic device, address ranges assigned to the

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memory devices, memory device operating mode (the state of operation of the devices), a map of data segments resident in the memory devices, and a map of code segments resident in the memory devices (see for example, p.45, third paragraph, “The status table 1050 is a data structure...and processing operations to determine the state of operation of the devices”) .

Claim 14:

O’Neil discloses the method according to claim 6, wherein the electronic device comprises one of a mobile cellular phone handset, a personal digital assistant, a pager, an MP3 (Moving Picture Experts Group Phase 1 Audio Layer 3) player, and a digital camera (see for example, p.17, second paragraph, “cellular or mobile phones).

Claim 15:

O’Neil discloses the method according to claim 6, further comprising employing an update package status and reference section by the update agent code to retrieve information regarding functions stored in a memory library code (see for example, p.45, third paragraph, “The status table 1050 is a data structure...and processing operations to determine the state of operation of the devices”; also see Fig.10, item 1004, 1222, p.52, “the update process commences with the update agent 1025 reading and executing instructions (memory library) contained in the update package stored in RAM memory section 1222 and related text).

Claim 16:

O'Neil discloses the method according to claim 15, wherein the update package status and reference section further comprises at least one of a status flag, starting address, authentication value, location of update package, and locations of a plurality of modification functions in non-volatile memory of the electronic device (see for example, p.45, last paragraph, "the status table 1050 comprises one or more flags...").

Claim 17:

O'Neil discloses the method according to claim 6, wherein the update package comprises update information for at least one of firmware and software, version upgrades, instructions to add new services, and instructions to delete services employable in the electronic device (see for example, p.12, first paragraph, "a version manifest which comprises a list of archived update package 110 including operational software version information...").

Claim 18:

O'Neil discloses the method according to claim 6, further comprising employing a boot initialization code to determine whether an update agent code is executed (see for example, p.46, second paragraph, "This address refers to a section of the boot block...").

Claim 19:

O'Neil discloses the method according to claim 18, wherein determining whether the update agent code is executed comprises evaluating status information resident in an update package status and reference section, and wherein if it is determined that the update agent code is to be executed, then the update agent code accesses an update package resident in the non-volatile memory of the electronic device by employing an address of the update package stored in the update package status and reference section (see for example, p.46, second paragraph, "The update agent 1025 checks the status table module 1050 to determine the value of the update state variable to identify updating operations that should be performed or alternatively if no operations are pending...")

Claim 20:

O'Neil discloses the method according to claim 6, wherein the update agent is adapted to interact with the plurality of memory device as a single logical block of non-volatile memory without distinguishing between specific memory devices (see for example, Fig.9, step 1125- 1150, "updated bank storage" "apply update instructions" and related text).

Claim 21:

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O'Neil discloses the method according to claim 20, wherein the plurality of memory devices are arranged according to one of contiguously or non-contiguously in memory, and code and data resident in the memory devices are updateable by the update agent regardless of which memory device the code and data reside in (see for example, p.46, last paragraph, "the update management system utilizes a bank-by-bank updating process for performing updates to the existing code version of an electronic device") .

Claim 22:

O'Neil discloses the method according to claim 6, wherein the memory library is adapted to accommodate a plurality of different types of memory devices by being provided with drivers for the plurality of different types of memory devices during manufacture (see for example, p.43, second paragraph, "the update agent 1025 includes one of more device drivers used during the updating processes.").

Claim 23:

O'Neil discloses the method according to claim 6, wherein the update agent is adapted to accommodate a plurality of different types of memory devices by accessing the memory library and compiling the update agent anew with drivers for the plurality of different types of memory devices stored in the memory library during manufacture (see for example, p.43, second paragraph, "the update agent 1025 includes one of more device drivers used during the updating processes.").

Claim 24:

O'Neil discloses the method according to claim 6, wherein the electronic device comprises at least one processor, and wherein the at least one processor may be associated with a specific memory device (see for example, Fig.10, item 1004, 1222, p.52, "the update process commences with the update agent 1025 reading and executing instructions (executed by processor) contained in the update package stored in RAM memory section 1222 and related text).

Claim 32:

Claim 32 is a network/system version for performing the claimed method as in claim 10 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by reference above. Thus, it also would have been obvious.

12. Claims 25-27, 46-49 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (Patrick J. O'Neil, WO 02/41147 A1) in view of Gove (Gove et al., US 5,471,592)

Claim 25:

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O'Neil discloses the method as in claim 24 above, but does not explicitly disclose wherein the at least one processor comprises a plurality of processors and each of the processors is associated with a specific memory device. However, Gove in the same analogous art of multiprocessor system, discloses an image and graphic processor. The processor is structured with several individual processors all having communication links to several memories without restriction (see for example, ABSTRACT; also see Fig.1 item 100-103 processors and item 10, M1-Mj, memory). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Gove's method to O'Neil's system to improve processor processing and memory accessing efficiency. One would have been motivated to do so to handle multi-processor having multi-memories such that the address space from all of the memories is available to one or more processors concurrently even when the processors are handling different instruction sets as suggested by Gove (see for example, col.2, lines 5-9)

Claim 26:

Gove further discloses the method according to claim 24, wherein the at least one processor comprises a plurality of processors and the at least one memory device comprises a plurality of memory devices, and wherein the plurality of processors are adapted to share the plurality of memory devices (see for example, Fig.1, Fig.7 and related text) .

Claim 27:

Gove further discloses the method according to claim 24, wherein the at least one processor comprises a digital signal processor (DSP) adapted to execute DSP code retrieved from at least one memory device (see for example, col.14, lines 47-64, “Texas Instruments TMS 320 DSP processors”).

Claims 46-48:

Claims 46-48 are network/system version for performing the claimed method as in claims 25-27 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by reference above. Thus, they also would have been obvious.

Claim 49:

O’Neil discloses a mobile handset comprising:

- a flash memory (see for example, Fig.10, item 1002 “Flash” and related text) ;
and
- an update agent capable of updating at least one of firmware and software resident in at least one of the plurality of flash memory chips (see for example, Fig.8B, item 1025 “update agent” and related text).

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O'Neil further discloses the flash memory can be partitioned or logically divided into a plurality of storage banks 1010 and the storage banks 1010 may be accessed independently (see for example, p.40, second paragraph and p.42 second paragraph, "the non-volatile memory or storage area 1002 may comprise numerous types or configurations of storage space...").

But O'Neil does not explicitly disclose the flash memory comprises a plurality of flash memory chips. However, Gove in the same analogous art of multi-processor system, discloses a plurality of memory units (chips) (see for example, Fig.1, M0-Mj and related text). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Gove's memory configuration to access different memory space independently and concurrently. One would have been motivated to do so to concurrently access and process memory information as suggested by Gove (see for example, col.2, lines 5-9)

Claim 51:

Gove also discloses the mobile handset according to claim 50, further comprising a plurality of processors, wherein each of the processors is adapted to manipulating a specific subset of the plurality of flash memory chips, and the plurality of processors are also adapted to employ the update agent to update at least one of firmware and software resident in at least one specific subset of flash memory chips (see for example, Fig.1, Fig.7 and related text).

Claim 52:

O'Neil discloses the mobile handset according to claim 49, further comprising:

- update at least one of firmware and software resident in at least one of the plurality of flash memory chips by executing update agent (see for example, fig.11, item 1314, "perform bank update" and related text; also see Fig.8B, item 1025 :update agent" and related text);
- execute update version of code resident in at least one of the plurality of flash memory chips (see for example, Fig.11, step 1320, "reinitiate client device" and step 1306, "processed to normal operation" and related text)

But O'Neil does not explicitly disclose assigning different processors to perform update and execute the new updated software. However, as Gove disclosed multi-processors system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use different processor to perform different task to provide a high degree of operational flexibility as addressed by Gove (see for example, col.2, lines 50-59)

13. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (Patrick J. O'Neil, WO 02/41147 A1) in view of Gove (Gove et al., US 5,471,592) in further view of Woodward (James S. Woodward, US 6,148,441).

Claim 50:

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O'Neil further discloses the mobile handset according to claim 49, the mobile handset further comprises a plurality of flash drivers, wherein the mobile handset is adapted to employ an appropriate one of the plurality of flash drivers to update at least a portion of at least one of firmware and software resident in at least one of the plurality of flash memory chips (see for example, p.42, second paragraph, "the update agent 1025 include one of more device driver used during the updating processes").

But O'Neil does not explicitly disclose determine information regarding a type of each of the plurality of flash memory chips at runtime. However, Woodward in the same analogous art of updating/reprogramming non-volatile memory (Flash memory), discloses a method for determining the type of flash memory being used (see for example, col.8, lines 16-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Woodward's method to identify the type of non-volatile memory in the O'Neil and Gove's client device. One would have been motivated to do so to use different interrupt routine according the type of memory to permits modification of the EISA configuration code in the flash memory while preserving the boot code and other code stored in the same sector of the memory array as suggested by Woodward (see for example, col.4, lines 29-35)

14. Claims 28-31 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (Patrick J. O'Neil, WO 02/41147 A1)

Claims 28-31 and 33-45:

Claims 28-31 and 33-45 are network/system version for performing the claimed method as in claims 6-9 and 11-24 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by reference above. Thus, they also would have been obvious.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571)

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270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

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